

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**ECEIPT LLC,**

Plaintiff

v.

**ULTA BEAUTY, INC.,**

Defendant

**Case No. 6:19-cv-00818**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff eCeipt LLC (“Plaintiff” or “eCeipt”) hereby asserts the following claims for patent infringement against Defendant Ulta Beauty, Inc.. (“Defendant”), and alleges, on information and belief, as follows:

**THE PARTIES**

1. eCeipt is a limited liability company organized and existing under the laws of the Texas with its principal place of business at 17330 Preston Road, Suite 200, Dallas, Texas 75252.
2. Upon information and belief, Defendant Ulta Beauty, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 1000 Remington Blvd., Suite 120, Bolingbrook, Illinois 60440. Defendant Ulta may be served with process through its registered agent The Prentice-Hall Corporation System, Inc., 251 Little Falls Drive, Wilmington, Delaware 19808.

### **JURISDICTION AND VENUE**

3. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1391 and 1400.

4. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

5. Venue is proper in this District under 28 U.S.C. § 1400 because Defendant has committed acts of infringement and has regular and established places of business in this judicial district.

### **THE PATENT-IN SUIT**

6. On February 4, 2014, United States Patent No. 8,643,875 (the "'875 patent"), entitled "Receipt Handling Systems, Print Drivers and Methods Thereof," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '875 patent is attached hereto as Exhibit A.

7. As explained in the '875 patent:

In a conventional case of purchasing at a store location, when a customer makes a purchase, a receipt is printed and handed to the customer after the purchasing transaction is complete. Often, customers may quickly throw away the receipts, creating unnecessary waste. Or, customers may misplace their receipts. Later, when the receipt is required, such as for a return, the customer can't find the receipt when it is needed.

In the conventional case of purchasing online, when a customer makes a purchase, a receipt may be e-mailed to the customer and/or the customer may print a receipt on the printer associated with the customer's computer.

In the related art, when a customer makes a purchase at a store location, a receipt is e-mailed to an e-mail address of the customer.

There is a need for improved systems that avoids the waste associated with unwanted receipts, that e-mails a receipt to a customer, that allows a customer to obtain a printed receipt at the store location and that enables marketing capabilities associated with e-mailed receipts and any associated analytics.

Ex. A at 1:15-35.

8. To solve this need for improved systems, the inventors of the '875 patent had to create a method for a point-of-sale ("POS") system to use, and the method had to be able to be implemented on various existing POS systems. *Id.* at 4:19-22. In other words, the inventors had to devise a receipt handling system that could be used with existing POS systems to technologically improve them to obviate their shortcomings identified above.

9. The claims of the '875 patent describe an approach to accomplishing a specific, practical, and useful improvement to the existing computer-aided processes used for "receipt handling systems, print drivers and methods thereof that substantially obviate one or more of the problems due to limitations and disadvantages of the related art." *Id.* at 1:39-42. The computer-implemented methods are used to perform a distinct process to provide a person with the option of having his or her receipt printed at the store location, e-mailed or both, and then having the receipt e-mailed to him or her if that option is selected.

10. The '875 patent's claimed inventions' incorporation of providing the option to print the receipt at the store location or e-mail the receipt to the customer, and then, if the option to e-mail the receipt was selected, transmitting image data from the POS system at a store location, the image data representing a receipt corresponding to the purchasing transaction of the customer at the store location, and the transaction data to a server in

communication with the POS systems at the store location, including generating a data file, the data file including the transaction data, the correct e-mail address of the customer and a file name corresponding to the image data improved the existing technological process by allowing the automation of further tasks, such as assigning an e-mail template based on the data file transmitted to the server and sending an e-mail to the correct customer e-mail address, wherein the content of the email is based on the assigned e-mail template, where the e-mail provides the image data obtained by the server.

11. The '875 patent's claims aid in the technological goal of giving customers the option to have receipts printed at the store or e-mailed or both and then adhering to the customers' selections. These are not claims that contain mere token references to a computer or its use; instead, these claims are explicitly tied to computers. Indeed, the claims are tangible, each covering an approach to receipt handling systems used by POS systems, which is a specific technological process.

12. The claims of the '875 patent improve the functioning of a POS system. The '875 patent is directed to computer-centric problems of POS systems not being able to provide the option to customers to have receipts printed at the store or e-mailed or both, and then follow the customers' selections. *Id.* at 1:15-35.

13. The technology disclosed in the '875 patent may be configured, designed, and/or operable to provide a number of different advantages and/or benefits over the prior art. As described in the specification,

[T]he present invention is directed to receipt handling systems, print drivers and methods thereof that substantially obviate one or more of the problems due to limitations and disadvantages of the related art.

An advantage of the present invention is to provide receipt handling systems, print drivers and methods capable of reducing production of waste paper.

Another advantage of the present invention is to provide receipt handling systems, print drivers and methods capable of e-mailing a receipt to a customer.

Yet another advantage of the present invention is to provide receipt handling systems, print drivers and methods that allow a customer to obtain a printed receipt at the store location.

Yet another advantage of the present invention is to provide receipt handling systems, print drivers and methods that enable marketing capabilities associated with e-mailed receipts and any associated analytics.

*Id.* at 1:39-55.

14. eCeipt is the assignee and owner of the right, title and interest in and to the '875 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,643,875**

15. eCeipt repeats and realleges the allegations of paragraphs 1 through 14 as if fully set forth herein.

16. Claim 1 of the '875 Patent recites:

1. A method of processing receipts, comprising:

[a] obtaining transaction data from a point-of-sale (POS) computer system at a store location, the transaction data including a plurality of categories of information necessary to describe a purchasing transaction of a customer at the store location;

[b] obtaining image data from the POS system at a store location, the image data representing a receipt corresponding to the purchasing transaction of the customer at the store location;

[c] obtaining an e-mail address of the customer from a customer information database persistently associated with the POS system;

[d] providing, to a display device at the store location, an option to print the receipt at the store location and an option to e-mail the receipt to the customer;

[e] obtaining a selection of at least one of the provided options;

[f] if the option to print is selected, initiating printing of the image data at the store location; and

[g] if the option to e-mail is selected, e-mailing the receipt to the customer, including:

[g1] providing the e-mail address obtained from the customer information database to a display device at the store location;

[g2] obtaining customer confirmation whether the e-mail address is correct;

[g3] if the e-mail address is not correct, obtaining a corrected e-mail address of the customer;

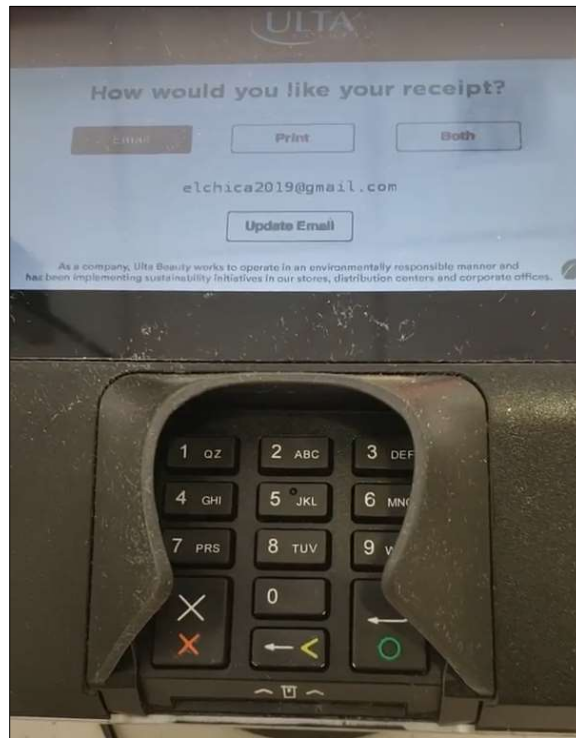
[g4] transmitting the image data and the transaction data to a server in communication with one or more POS systems at one or more store locations, including generating a data file, the data file including the transaction data, the correct e-mail address of the customer and a file name corresponding to the image data;


[g5] assigning an e-mail template based on the data file transmitted to the server; and

[g6] sending an e-mail to the correct customer e-mail address, wherein the content of the email is based on the assigned e-mail template, where the e-mail provides the image data obtained by the server.

17. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '875 patent by making, using, importing,

offering for sale, and/or selling computer implemented methods for processing receipts that obtain transaction data from a point-of-sale (POS) computer system at its stores:





San Antonio Quarry  
255 E. Basse Road  
San Antonio, TX 78209  
210-824-5031

TRANS 1402    DATE 8/23/20    TIME 1:33 PM  
STORE 361    REG 5    CASHIER Nancy

Item	Qty	Price	Amount
UBC SMARTS BATH SALTS LAVENDER 16OZ			
717897079315		18.50	18.50
MOR X JEFFREE EYE BRUSH COLLECTION			
192608211138		42.00	21.00
50% Off Sel Itm Sale		(21.00)	
INVISIBOBBLE POWER CLEAR HANGING			
4260285376009		9.00	9.00
KYLIE LIPGLOSS KOKO K 0.09FLOZ			
810001670160		9.97	9.97
KYLIEKXKRISJENNER SET 5.66OZ			
810001671532		33.97	33.97
KYLIE KYLIGHTER PRINCESS PLEASE .34OZ			
810001671099		20.00	20.00
KITSCHPRO BUN STYLER SMALL BLONDE			
819677021624		6.00	6.00
SUBTOTAL			118.44
TAX		8.2500%	9.77
TAX TOTAL			9.77
TOTAL			128.21
AMERICAN EXPRESS			128.21
*****1014			
Auth #: 889118			
Transaction Type: Sale			
Entry Method: Dipped			
Auth Time: 1:33 PM			
Trace Number: 14020501			
CHANGE			0.00
*****			
ULTAMATE REWARDS			
MEMBER NUMBER: 2913219651193			
BASE POINTS EARNED			118
CURRENT POINTS BALANCE			118




REDEEMABLE POINTS	100
POINTS EXPIRING 9/30/2020	0
*****	
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Visit <a href="http://SURVEY.ULTA.COM">HTTP://SURVEY.ULTA.COM</a>	
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agree to receive up to 2 autodialed marketing	
messages from Ulta Beauty to the number used.	
Consent is not a condition of purchase. Reply HELP	
for help to 95637. Standard message and data	
rates may apply. View Mobile Terms and Conditions	
and Privacy Policy at <a href="http://ulta.com/smshelp">http://ulta.com/smshelp</a>	
	
910361051402202366	
TOTAL SAVINGS	
\$21.00	
SOLD ITEM COUNT = 7	
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<a href="http://WWW.ULTA.COM">WWW.ULTA.COM</a>	
GIFT CARDS- PERFECT FOR ALL OCCASIONS	
REDEEMABLE AT ULTA STORES AND ON-LINE	
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18. As exemplified below, Defendant performs each step of Claim 1 of the '875 Patent:

*[a] obtaining transaction data from a point-of-sale (POS) computer system at a store location, the transaction data including a plurality of categories of information necessary to describe a purchasing transaction of a customer at the store location;*

19. Defendant obtains transaction data from a POS computer system at a store location. The transaction data includes a plurality of categories of information (e.g. item description, price, store location, etc.) necessary to describe a purchasing transaction of customer at a store location.

			
San Antonio Quarry 255 E. Basse Road San Antonio, TX 78209 210-824-5031			
TRANS 1402    DATE 8/23/20    TIME 1:33 PM STORE 361    REG 5    CASHIER Nancy			
Item	Qty	Price	Amount
UBC SMARTS BATH SALTS LAVENDER 16OZ			
717897079315		18.50	18.50
MOR X JEFFREE EYE BRUSH COLLECTION			
192608211138		42.00	21.00
50% Off Sel Itm Sale		(21.00)	
INVISIBOBLE POWER CLEAR HANGING			
4260285376009		9.00	9.00
KYLIE LIPGLOSS KOKO K 0.09FLOZ			
810001670160		9.97	9.97
KYLIEKXKRISJENNER SET 5.66OZ			
810001671532		33.97	33.97
KYLIE KYLIGHTER PRINCESS PLEASE .34OZ			
810001671099		20.00	20.00
KITSCHPRO BUN STYLER SMALL BLONDE			
819677021634		6.00	6.00
SUBTOTAL			118.44
TAX			8.2500%
TAX TOTAL			9.77
TOTAL			128.21
AMERICAN EXPRESS			128.21

*[b] obtaining image data from the POS system at a store location, the image data representing a receipt corresponding to the purchasing transaction of the customer at the store location;*

20. Defendant obtains image data (e.g. information used to create a receipt, such as a barcode) from the POS system at a store location representing a receipt corresponding to the purchasing transaction of the customer at the store locations (e.g. the image data used to create the receipts of the transaction).

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TRANS 1402    DATE 8/23/20    TIME 1:33 PM  
STORE 361    REG 5    CASHIER Nancy

Item	Qty	Price	Amount
UBC SMARTS BATH SALTS LAVENDER 16OZ			
717897079215		18.50	18.50
MOR X JEFFREE EYE BRUSH COLLECTION			
192608211138		42.00	21.00
50% Off Sel Itm Sale		(21.00)	
INVISIBOBLE POWER CLEAR HANGING			
4260185376009		9.00	9.00
KYLIE LIPGLOSS KOKO K 0.09FLOZ			
810001670160		9.97	9.97
KYLIEKIMRISJENNER SET 5.66OZ			
810001671532		32.97	32.97
KYLIE KYLIGHTER PRINCESS PLEASE .34OZ			
810001671099		20.00	20.00
KITSCHPRO BUN STYLER SMALL BLONDE			
819677021624		6.00	6.00
SUBTOTAL			116.44
TAX		8.2500%	9.77
TAX TOTAL			9.77
TOTAL			126.21
AMERICAN EXPRESS			126.21
*****1014			
Auth #: 889118			
Transaction Type: Sale			
Entry Method: Dipped			
Auth Time: 1:33 PM			
Trace Number: 14020501			
CHANGE			0.00
*****			
ULTAMATE REWARDS			
MEMBER NUMBER: 2913219651193			
BASE POINTS EARNED			116
CURRENT POINTS BALANCE			116

REDEEMABLE POINTS 100

POINTS EXPIRING 9/30/2020 0

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agree to receive up to 2 autodialed marketing  
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Consent is not a condition of purchase. Reply HELP  
for help to 95637. Standard message and data  
rates may apply. View Mobile Terms and Conditions  
and Privacy Policy at <http://ulta.com/smshelp>



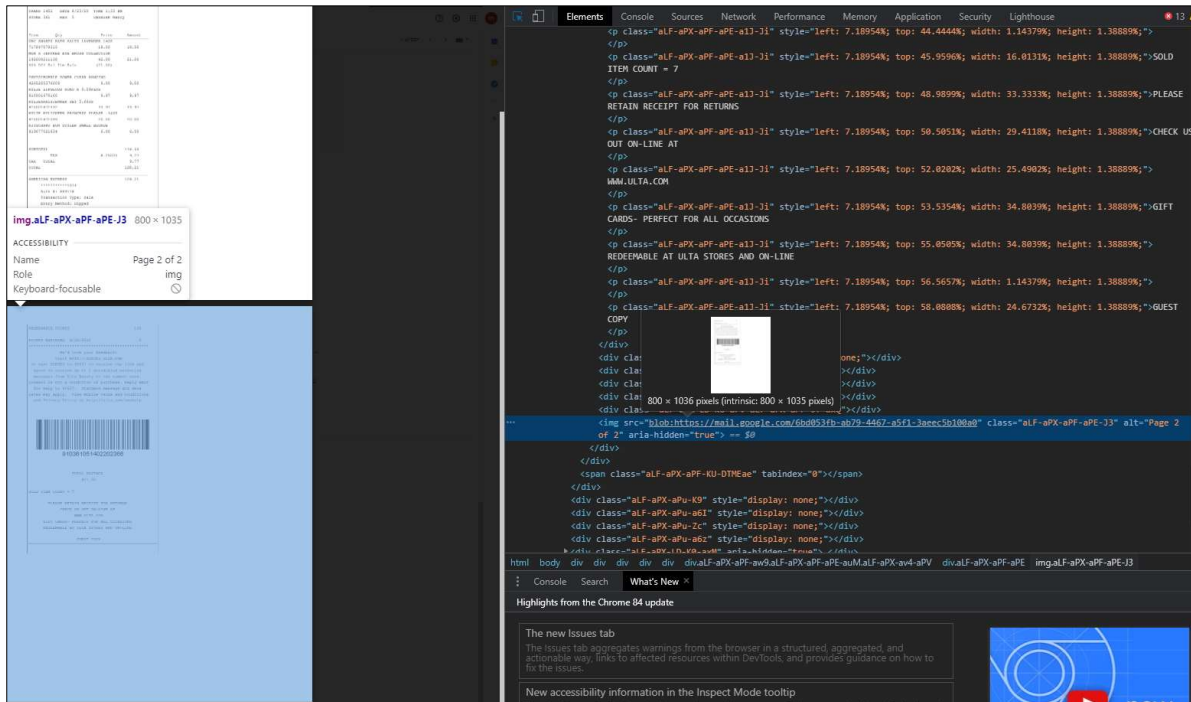
910361051402202366

TOTAL SAVINGS  
\$21.00

SOLD ITEM COUNT = 7

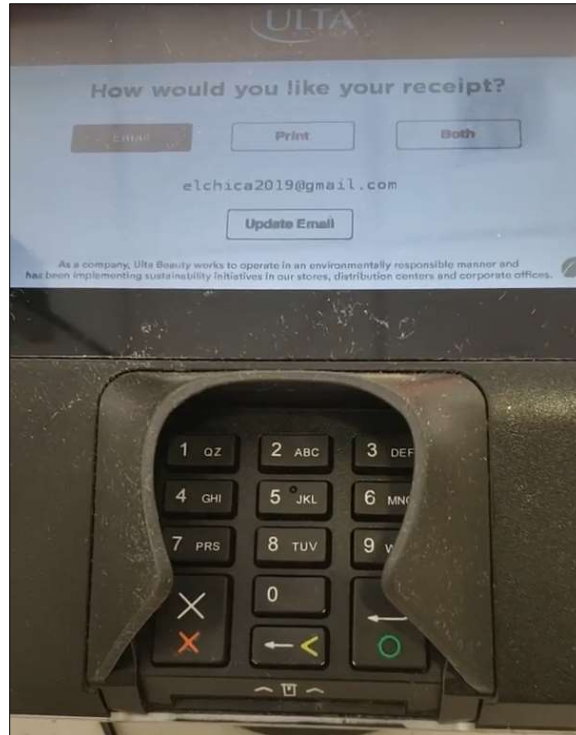
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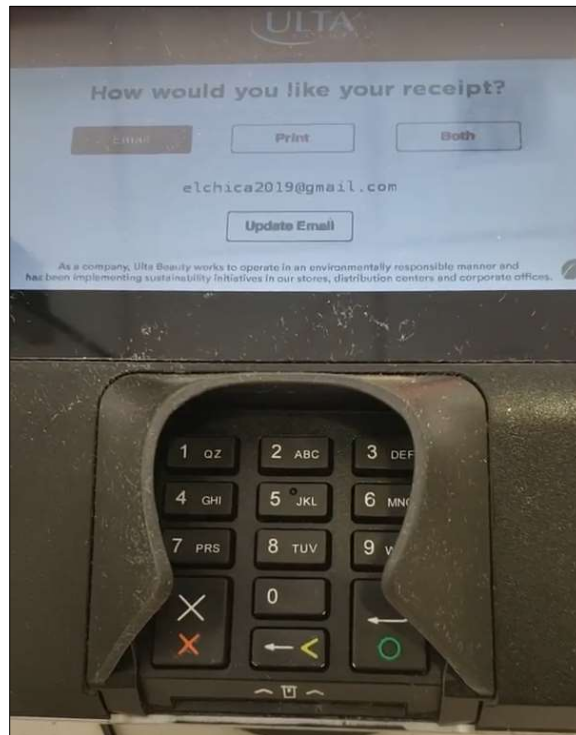
*[c] obtaining an e-mail address of the customer from a customer information database persistently associated with the POS system;*

21. Defendant obtains an e-mail address from the customer information database persistently associated with the POS system. Shown below, the customer's email address has been retrieved from a database and displayed on the POS system.



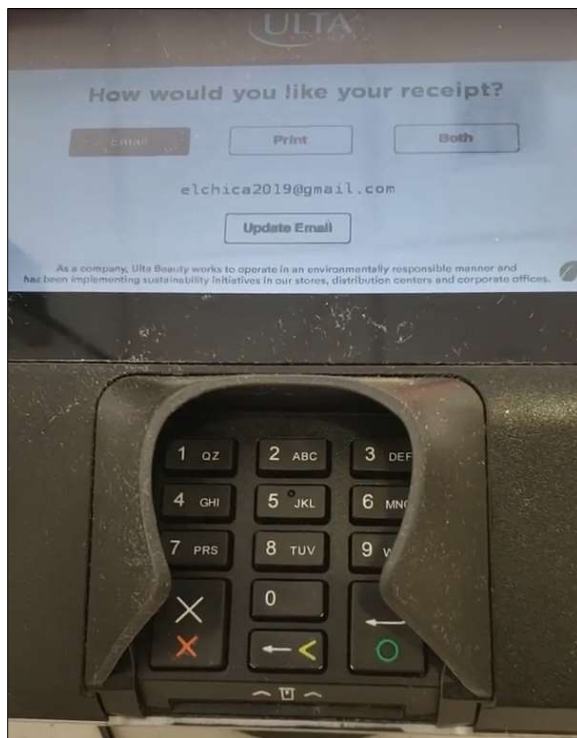
*[d] providing, to a display device at the store location, an option to print the receipt at the store location and an option to e-mail the receipt to the customer;*

22. Defendant provides an option to print the receipt at the store location and email the receipt to the customer. If a user selects “yes” the receipt is emailed to the customer. If the user selects “print only” the receipt is printed.



*[e] obtaining a selection of at least one of the provided options;*

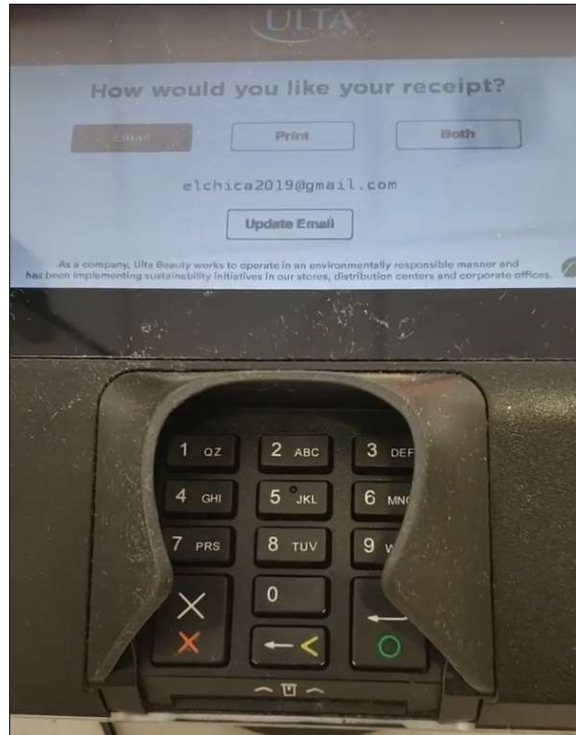
23. The Defendant POS system is operable to obtain a selection of the provided options.





*[[ ] if the option to print is selected, initiating printing of the image data at the store location; and*

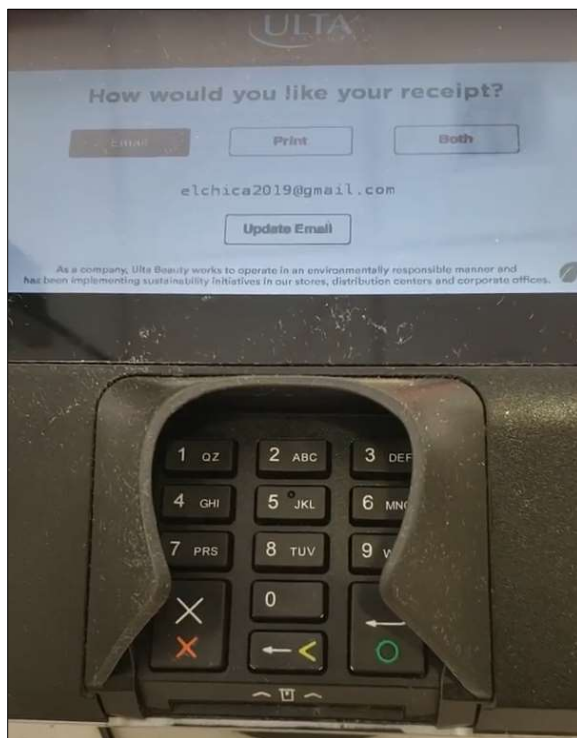
24. If a user selects “print only”, the image data is printed at the store location.





*[g] if the option to e-mail is selected, e-mailing the receipt to the customer, including:*

25. If the user selects “email and print” the receipt is emailed to the customer.



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MOR X JEFFREE EYE BRUSH COLLECTION			
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50% Off Sel Itm Sale		(21.00)	
INVISIBOBBLE POWER CLEAR HANGING			
4260285376009		9.00	9.00
KYLIE LIPGLOSS KOKO K 0.09FLOZ			
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810001671099		20.00	20.00
KITSCHPRO BUN STYLER SMALL BLONDE			
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SUBTOTAL			116.44
TAX		8.2500%	9.77
TAX TOTAL			9.77
TOTAL			126.21
AMERICAN EXPRESS			126.21
*****1014			
Auth #: 889118			
Transaction Type: Sale			
Entry Method: Dipped			
Auth Time: 1:33 PM			
Trace Number: 14020501			
CHANGE			0.00
*****			
ULTAMATE REWARDS			
MEMBER NUMBER: 2913219651193			
BASE POINTS EARNED			116
CURRENT POINTS BALANCE			116

REDEEMABLE POINTS 100

POINTS EXPIRING 9/30/2020 0

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or text SURVEY to 95637 to receive the link and agree to receive up to 2 autodialed marketing messages from Ulta Beauty to the number used. Consent is not a condition of purchase. Reply HELP for help to 95637. Standard message and data rates may apply. View Mobile Terms and Conditions and Privacy Policy at <http://ulta.com/smshelp>



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TOTAL SAVINGS  
\$21.00

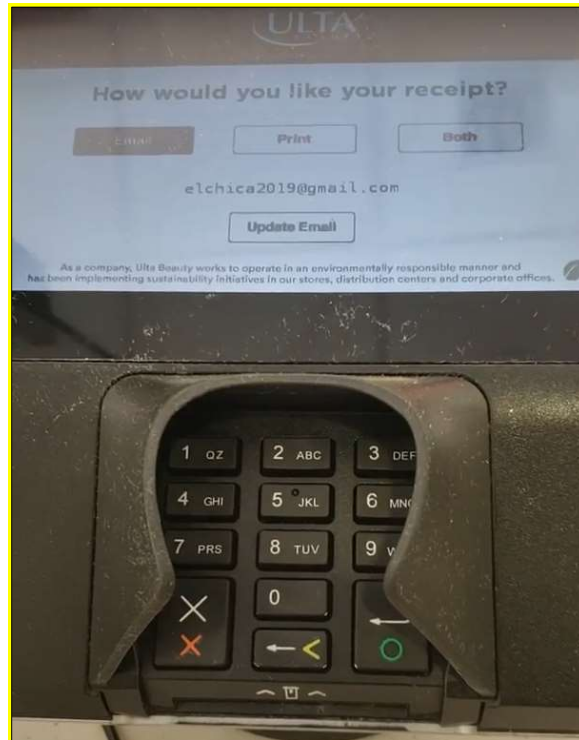
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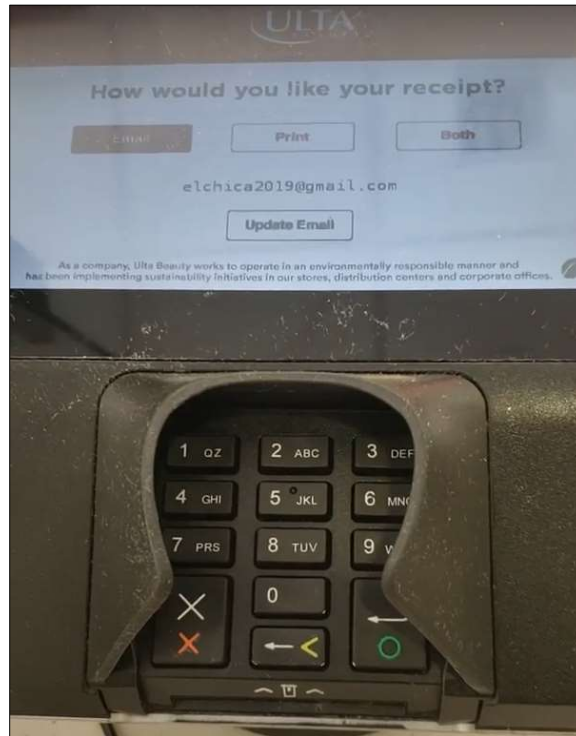
*[g1] providing the e-mail address obtained from the customer information database to a display device at the store location;*

26. The Defendant POS system provides the customer email address to a display device at the store location.



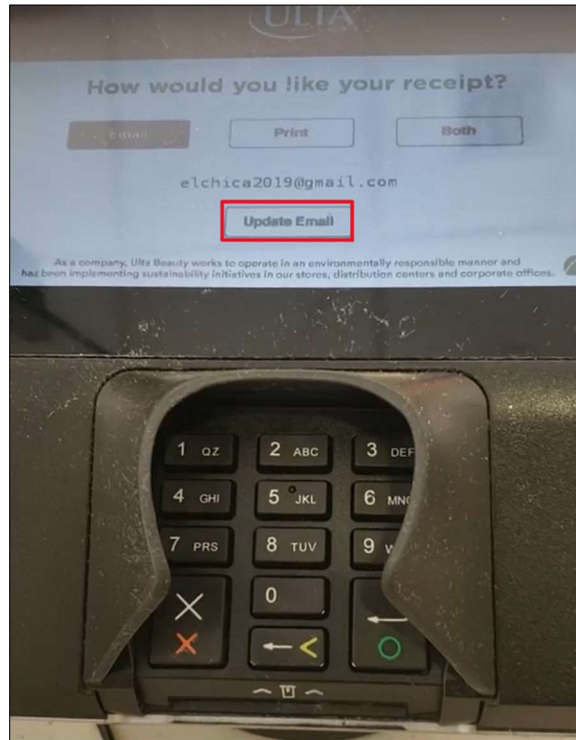
[g2] obtaining customer confirmation whether the e-mail address is correct;

27. The Defendant POS system is operable to obtain customer confirmation whether the e-mail address is correct.



*[g3] if the e-mail address is not correct, obtaining a corrected e-mail address of the customer;*

28. If the e-mail address is not correct, the Defendant POS system is operable to obtain a corrected e-mail address.



*[g4] transmitting the image data and the transaction data to a server in communication with one or more POS systems at one or more store locations, including generating a data file, the data file including the transaction data, the correct e-mail address of the customer and a file name corresponding to the image data;*

29. Defendant transmits the image data (e.g., data used to create a receipt image, including but not limited to a barcode) and the transaction data (e.g., categories of information necessary to describe a purchasing transaction) to a server in communication with the POS system (the receipt is emailed immediately, thus a server must be connected to the POS system).

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4260185376009		9.00	9.00
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610001670160		9.97	9.97
KYLIEKIMRISJENNER SET 5.66OZ			
610001671532		32.97	32.97
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610001671099		20.00	20.00
KITSCHPRO BUN STYLER SMALL BLONDE			
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Transaction Type: Sale			
Entry Method: Dipped			
Auth Time: 1:33 PM			
Trace Number: 14020501			
CHANGE			0.00
*****			
ULTIMATE REWARDS			
MEMBER NUMBER: 2913219651193			
BASE POINTS EARNED			116
CURRENT POINTS BALANCE			116

REDEEMABLE POINTS 100

POINTS EXPIRING 9/30/2020 0

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messages from Ulta Beauty to the number used.  
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rates may apply. View Mobile Terms and Conditions  
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TOTAL SAVINGS  
\$21.00

SOLD ITEM COUNT = 7

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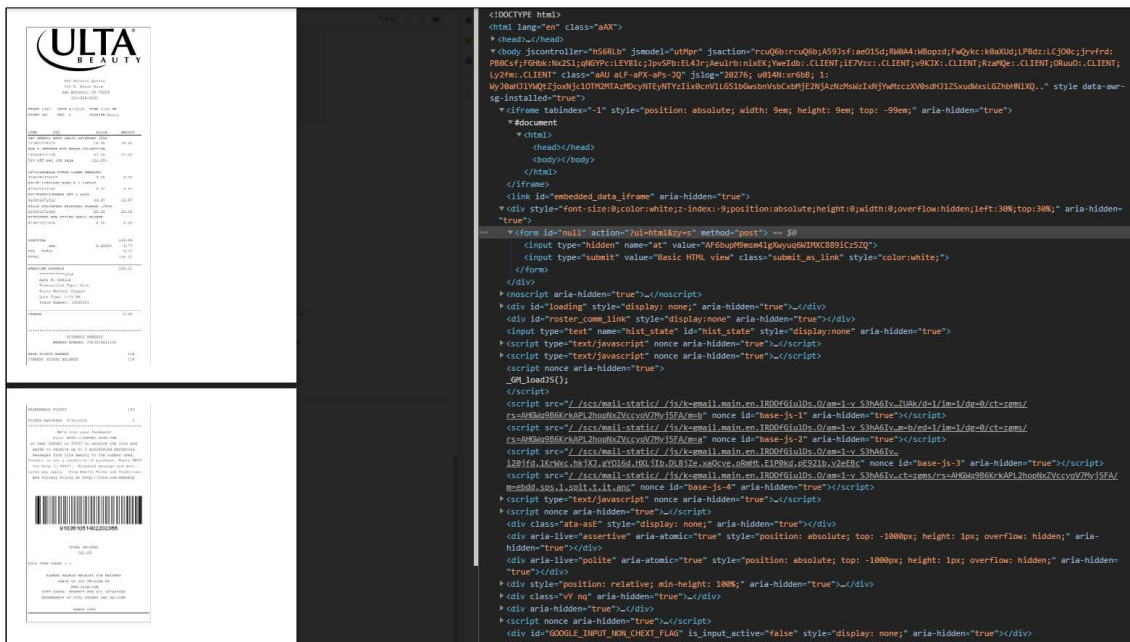
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30. Defendant generates a data file that includes the transaction data (e.g., categories of information necessary to describe a purchasing transaction) the correct email address of the customer and a file name corresponding to the image data. (e.g., the barcode's file name).

*[g5] assigning an e-mail template based on the data file transmitted to the server; and*

31. The Defendant POS system assigns an e-mail template based on the data file transmitted to the server.



*[g6] sending an e-mail to the correct customer e-mail address, wherein the content of the email is based on the assigned e-mail template, where the e-mail provides the image data obtained by the server.*

32. Defendant sends an email to the correct customer email address and the content of the email is based on the assigned e-mail template (e.g., HTML template shown in previous slide) and the e-mail provides the image data obtained by the server (e.g., the information used to create a receipt image).

33. eCeipt is entitled to recover from Defendant the damages sustained by eCeipt as a result of Defendant's infringement of the '875 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

WHEREFORE, eCeipt requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '875 patent;
- B. An award of damages to be paid by Defendant adequate to compensate eCeipt for Defendant's past infringement of the '875 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of eCeipt's reasonable attorneys' fees; and
- D. An award to eCeipt of such further relief at law or in equity as the Court deems just and proper.

**JURY DEMAND**

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.



Dated: September 8, 2020

Respectfully Submitted

/s/ Raymond W. Mort, III

Raymond W. Mort, III

Texas State Bar No. 00791308

raymort@austinlaw.com

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